

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JOHN KEVIN DUMLAO,  
Petitioner,

No. C 08-2988 SI (pr)

**ORDER OF TRANSFER**

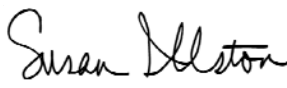
v.

HEDGPETH, warden,  
Respondent.

Petitioner has filed a petition for writ of habeas corpus to challenge the denial of parole suitability. Petitioner was convicted in Alameda County, is incarcerated at the Kern Valley State Prison in Kern County and had his parole hearing at Centinela State Prison in Imperial County. Kern County is within the venue of the Eastern District of California. Venue is proper in a habeas action in either the district of confinement or the district of conviction, 28 U.S.C. § 2241(d); however, the district of confinement is the preferable forum to review the execution of a sentence, such as a parole denial claim. See Habeas L.R. 2254-3(a); Dunne v. Henman, 875 F.2d 244, 249 (9th Cir. 1989). Because petitioner is confined in the Eastern District of California and challenging the execution of his sentence, pursuant to 28 U.S.C. § 1404(a) and Habeas L.R. 2254-3(b), and in the interests of justice, this action is TRANSFERRED to the United States District Court for the Eastern District of California. The clerk shall transfer this matter forthwith.

IT IS SO ORDERED.

DATED: August 4, 2008

  
SUSAN ILLSTON  
United States District Judge

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

OHN KEVIN DURLAO,  
Plaintiff,

Case Number: CV08-02988 SI

**CERTIFICATE OF SERVICE**

v.

// et al,

Defendant.

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I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on August 5, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

John Kevin Dumlao C-16555  
Kern Valley State Prison (KVSP)  
P.O. Box 5101/A4-215  
Delano, CA 93216-5101

Dated: August 5, 2008

Richard W. Wieking, Clerk  
By: Tracy Sutton, Deputy Clerk

